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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/961,061 | 09/24/2001 | Hirohisa Nakano | 110662 | 5208 |

25944 7590 05/16/2003

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EXAMINER

SEVER, ANDREW T

ART UNIT PAPER NUMBER

2851

DATE MAILED: 05/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/961,061

Applicant(s)

NAKANO ET AL.

Examiner

Andrew T Sever

Art Unit

2851

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 May 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: 7-9.


Claim(s) rejected: 1-6 and 10.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 2. NOTE: Proposed new claim 11 adds the limitation that the exhaust duct is approximately constant. This has not been previously claimed and would require a new search since previously that limitation was not present..

Continuation of 5. does NOT place the application in condition for allowance because: Applicant appears to be arguing that the examiner has no motivation for combining Shiraishi with Takamatsu. Applicant makes two arguments first; Shiraishi combined with Takamatsu would not reduce the noise as the claimed invention would. Second combining Shiraishi with Takamatsu would be hindsight. These arguments are contradictory, since the first is the applicant's motivation for making the invention. Disregarding this contradictory argument the office points out that in the final rejection and the subsequent interview it was stated that Shiraishi was provided as a secondary reference serving as evidence of the well known structure of a ninety degree bent portion in duct work of projectors and it was irrelevant what purpose the duct in Shiraishi was serving in Shiraishi's projector, since it was only teaching that the bent portion suggested by Takamatsu could obviously be ninety degrees and that one with ordinary skill in the art at the time the invention was made would have recognized that making ninety degree bends in projector cooling air duct work is well known for such purposes as accommodating the limited size of the projectors (which was the motivation given for combining the two teaching that of Takamatsu and that of the well known art of bending cooling air ducts by ninety degrees as taught by Shiraishi.) As is pointed out in the final rejection Takamatsu specifically teaches in column 6 lines 62-67 that the direction of the outlet on the case can be change such as having it face the same direction as the projecting lens; obviously one with ordinary skill in the art would recognize that this would require bending the duct work by ninety degrees to face the front since otherwise the duct work would still exhaust out the side. Since Shiraishi clearly teaches one with ordinary skill in the art at the time of the invention would recognize that ducts in projectors could be bent by ninety degrees, that one with ordinary skill would have very little difficulty bending Takamatsu's .


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